

TUESDAY 3:00 P.M. MAY 11, 1999

PRESENT:

- Jim Galloway, Chairman
- Ted Short, Vice Chairman
- Joanne Bond, Commissioner
- Pete Sferrazza, Commissioner
- Jim Shaw, Commissioner
- Amy Harvey, County Clerk
- Katy Simon, County Manager
- Maureen Griswold, Legal Counsel

The Board met in regular session in the Commission Chambers of the Washoe County Administration Complex, 1001 East Ninth Street, Reno, Nevada. Following the pledge of allegiance to the flag of our Country, the Clerk called the roll and the Board conducted the following business:

**99-396 AGENDA**

In accordance with the Open Meeting Law, on motion by Commissioner Bond, seconded by Commissioner Shaw, which motion duly carried, Chairman Galloway ordered that the agenda for the May 11, 1999, meeting be approved.

**PUBLIC COMMENTS**

Sam Dehne, a Reno citizen, spoke on the following topics: tax increases in the City of Reno, a situation at the Atlantis Casino whereby their parking lot is starting to look like a ghetto, and big trucks not using truck routes and driving through school zones.

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THE BOARD CONVENED AS THE COUNTY LIQUOR BOARD

**99-397 REFUND BUSINESS LICENSE FEE - AMPLE STORAGE**

Upon recommendation of Robert Sellman, Director, Community Development Department, on motion by Commissioner Bond, seconded by Commissioner Sferrazza, which motion duly carried, Chairman Galloway ordered that a refund of the \$200.00 business license fee paid by Ample Storage on April 7, 1999, be approved as they were annexed into the City of Reno on February 12, 1999, and paid the fee to the County in error.

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THE BOARD RECONVENED AS THE BOARD OF COUNTY COMMISSIONERS

**MINUTES**

On motion by Commissioner Bond, seconded by Commissioner Short, which motion duly carried, Chairman Galloway ordered that the minutes of the special meetings of March 30 and April 6, 1999, be approved.

**99-398 PROCLAMATION - NATIONAL PUBLIC WORKS WEEK**

Upon recommendation of Dave Roundtree, Public Works Director, on motion by Commissioner Sferrazza, seconded by Commissioner Shaw,

which motion duly carried, it was ordered that the following proclamation, which was read by Chairman Galloway, be adopted and the Chairman be authorized to execute:

#### **PROCLAMATION**

WHEREAS, Public works services provided in our community are an integral part of our citizens' everyday lives; and

WHEREAS, The support of an understanding and informed citizenry is vital to the efficient operation of public works systems and programs such as streets and highways and public buildings; and

WHEREAS, The health, safety, and comfort of this community greatly depends on these facilities and services; and

WHEREAS, Quality and effectiveness of these facilities, as well as their planning, design and construction is vitally dependent upon the efforts and skill of public works officials; and

WHEREAS, The efficiency of the qualified and dedicated personnel who staff public works departments is materially influenced by the people's attitude and understanding of the importance of the work they perform; now, therefore, be it

PROCLAIMED BY THE BOARD OF COMMISSIONERS OF WASHOE COUNTY, NEVADA, that May 16-22, 1999 is designated as "NATIONAL PUBLIC WORKS WEEK" in the County of Washoe, and we call upon all citizens and civic organizations to acquaint themselves with the issues involved in providing our public works and to recognize the contributions which public works officials make every day to our health, safety, comfort, and quality of life.

#### **99-399 SEXUAL ASSAULT - MEDICAL CARE - PAYMENT**

Pursuant to NRS 217.280 to 217.350, on motion by Commissioner Sferrazza, seconded by Commissioner Shaw, which motion duly carried, Chairman Galloway ordered that payments with funds from the District Attorney's account designated Sexual Assault Victims Expenses be authorized for initial emergency medical care and follow-up medical or psychological treatment for 26 sexual assault victims in an amount totaling \$6,753.03 as set forth in a memorandum from Vickie Wedow, Administrative Assistant, District Attorney's Office, dated April 16, 1999, and placed on file with the Clerk.

#### **99-400 ACCEPTANCE OF DONATION - WESTERN NEVADA SUPPLY COMPANY - D.A.R.E. PROGRAM - SHERIFF**

Upon recommendation of Sheriff Richard Kirkland, on motion by Commissioner Sferrazza, seconded by Commissioner Shaw, which motion duly carried, Chairman Galloway ordered that a \$500.00 donation from Western Nevada Supply Company, to be used for the D.A.R.E. Program, be accepted with the Board's gratitude.

#### **99-401 SPONSORSHIP - WOMEN OF ACHIEVEMENT EVENT - MANAGER**

Upon recommendation of Kathy Carter, Community Relations Director, through Katy Simon, County Manager, on motion by Commissioner Sferrazza, seconded by Commissioner Shaw, which motion duly carried, Chairman Galloway ordered that Washoe County sponsor an awardee at the seventh annual Nevada Women's Fund's Women of Achievement event on Wednesday, May 12, 1999, which is an event recognizing local employers and their employees for outstanding work in the community while supporting the Nevada Women's Fund's effort to provide scholarships to women returning to school.

It was noted that staff proposes to participate at the lowest level (Patron) at a cost of \$950.00 which entitles the County to one nominee, who will attend a morning leadership session, and to one table at the luncheon; that Julie Faulkner, Community Relations Program Assistant, has been selected for the award by a committee comprised of Commissioner Shaw and two employees from the Employee Recognition Committee; and that the other top candidates, Kim Carlson from Community Development and Stacy Hardie from the District Health Department, will also be invited to sit at the County's table along with the Chairman.

#### **99-402 ACCEPTANCE OF GRANT AWARD - "JUVENILE MENTORING PROGRAM-JUMP" - U.S. DEPT. OF JUSTICE - JUVENILE SERVICES**

Upon recommendation of Brian Mirch, Senior Administrative Analyst, on motion by Commissioner Sferrazza, seconded by Commissioner

Shaw, which motion duly carried, Chairman Galloway ordered that acceptance of the three-year grant, in the amount of \$199,976 for the "Juvenile Mentoring Program-JUMP" from the U.S. Department of Justice, for providing mentors for youth ages 6 - 17 in cooperation with Washoe County Juvenile Services and the Washoe County School District, be approved and the following account changes for fiscal year 1998/99 be authorized:

Revenues		Amount
1285G-4301	Federal Contributions	\$69,930.88
	Total	\$69,930.88
Expenditure Appropriations		Amount
1285G-7001	Base Salaries	\$31,471.38
-7042	Group Insurance	2,410.00
-7048	Retirement	5,199.12
-7049	Social Security	232.05
-7050	Medicare	456.34
-7236	Computer Software	400.00
-7250	Office Supplies	200.00
-7279	Other Supplies	6,750.00
-7304	Advertising	700.00
-7357	Printing	600.00
-7376	Special Dept. Expense	15,500.00
-7620	Travel	3,912.00
-7822	Computer	2,100.00
	Total	\$69,930.88

**99-403 RESOLUTIONS - REQUESTING ATTORNEY GENERAL ASSISTANCE - DISTRICT ATTORNEY**

Upon recommendation of Madelyn Shipman, Assistant District Attorney, on motion by Commissioner Sferrazza, seconded by Commissioner Shaw, which motion duly carried, it was ordered that the following two resolutions be adopted and Chairman Galloway be authorized to execute:

**RESOLUTION** Requesting the assistance of the Attorney General in the handling of a certain criminal matter.

WHEREAS, the Office of the District Attorney is responsible for the prosecution of criminal offenses which have occurred within the County of Washoe; and

WHEREAS, the District Attorney's Office has recently had submitted to it RFD 013124-98 and RPD 206566-98 wherein it is alleged that a person fire-bombed an office; and

WHEREAS, the owner of the office that was fire-bombed is an attorney with cases pending against the County; and

WHEREAS, if the Washoe County District Attorney's Office either proceeds or decides to not proceed with the prosecution

of the defendant, there would likely be allegations made that there was a conflict of interest; and

WHEREAS, it is essential in our judicial system that the conduct of the prosecutor remain free of any appearance of conflict of interest or impropriety.

NOW, THEREFORE, be it resolved by the Board of Commissioners of Washoe County as follows:

1. That in accordance with the provisions of NRS 228.130 the Nevada Attorney General is hereby requested to assume complete responsibility for the handling of, including the decision on whether to prosecute or not, RFD 013124-98 and RPD 206566-98 wherein it is alleged that a person fire-bombed an office building.
2. That should the Attorney General agree to assume responsibility for the handling of the aforementioned case, the Comptroller of Washoe County will, upon submission of a duly verified claim, pay from the general fund of Washoe County all expenses that the Attorney General incurs in the prosecution of said case.

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**RESOLUTION** Requesting the assistance of the Attorney General in the handling of a certain criminal matter.

WHEREAS, the Office of the District Attorney is responsible for the prosecution of criminal offenses which have occurred within the County of Washoe; and

WHEREAS, the District Attorney's Office has recently had submitted to it RPD Case No. 140253-97 wherein it is alleged that perjury was committed; and

WHEREAS, the complainant has filed an action against the County and has threatened to file numerous additional actions against the County, including the District Attorney; and

WHEREAS, if the Washoe County District Attorney's Office either proceeds or decides to not proceed with the prosecution of the defendant, there may be some suggestion of impropriety or conflict of interest; and

WHEREAS, it is essential in our judicial system that the conduct of the prosecutor remain free of any appearance of conflict of interest or impropriety.

NOW, THEREFORE, be it resolved by the Board of Commissioners of Washoe County as follows:

1. That in accordance with the provisions of NRS 228.130 the Nevada Attorney General is hereby requested to assume complete responsibility for the handling, including the decision on whether to prosecute or not, of RPD File No. 140253-97 wherein it is alleged that a person committed perjury.
2. That should the Attorney General agree to assume responsibility for the handling of the aforementioned case, the Comptroller of Washoe County will, upon submission of a duly verified claim, pay from the general fund of Washoe County all expenses that the Attorney General incurs in the prosecution of said case.

**99-404 CORRECTION WATER RIGHTS DEED - CITY OF SPARKS (PAVICH AND ASSOCIATES)**

Upon recommendation of John Collins, Manager, Utility Services Division, through Ed Schmidt, Director, Department of Water Resources, on motion by Commissioner Sferrazza, seconded by Commissioner Shaw, which motion duly carried, it was ordered that the following actions be taken:

1. The Correction Water Rights Deed between City of Sparks, as Grantor, and Washoe County, as Grantee, be approved and Chairman

Galloway be authorized to execute;

2. The Utility Services Division Manager be directed to record the Correction Water Rights Deed with the County Recorder.

It was noted that on November 24, 1998, a Water Rights Deed between the City of Sparks and Washoe County, conveying water on behalf of Pavich and Associates in support of future development in the South Truckee Meadows, was approved and executed, and that the diversion rate in that document was incorrect.

**99-405 WATER RIGHTS DEED - SOUTH MEADOWS PROPERTIES LIMITED PARTNERSHIP**

Upon recommendation of John Collins, Manager, Utility Services Division, through Ed Schmidt, Director, Department of Water Resources, on motion by Commissioner Sferrazza, seconded by Commissioner Shaw, which motion duly carried, it was ordered that the following actions be taken regarding commercial development within the Double Diamond Business Park:

1. The Water Rights Deed for 22.35 acre feet of groundwater rights from Permit 61615 between South Meadows Properties Limited Partnership, as Grantor, and Washoe County, as Grantee, be approved and Chairman Galloway be authorized to execute;
2. The Utility Services Division Manager be directed to record the Water Rights Deed with the County Recorder.

**99-406 WATER RIGHTS DEED - SOUTH MEADOWS PROPERTIES LIMITED PARTNERSHIP**

Upon recommendation of John Collins, Manager, Utility Services Division, through Ed Schmidt, Director, Department of Water Resources, on motion by Commissioner Sferrazza, seconded by Commissioner Shaw, which motion duly carried, it was ordered that the following actions be taken regarding development in the Double Diamond Ranch area:

1. The Water Rights Deed for 50.0 acre feet of surface water from a portion of 63620 between South Meadows Properties Limited Partnership, as Grantor, and Washoe County, as Grantee, be approved and Chairman Galloway be authorized to execute;
2. The Utility Services Division Manager be directed to record the Water Rights Deed with the County Recorder.

**99-407 WATER RIGHTS DEED AND WATER SALE AGREEMENT - SIERRA PACIFIC POWER COMPANY - MONTESSORI SCHOOL**

Upon recommendation of John Collins, Manager, Utility Services Division, through Ed Schmidt, Director, Department of Water Resources, on motion by Commissioner Sferrazza, seconded by Commissioner Shaw, which motion duly carried, it was ordered that the following actions be taken in support of the Montessori School on Zolezzi Lane (APN 162-010-06):

1. The Water Rights Deed between Sierra Pacific Power Company, as Grantor, and Washoe County, as Grantee, for 4.56 acre feet of surface water rights from a portion of Claims 92 and 92A, be approved and Chairman Galloway be authorized to execute;
2. The Water Sale Agreement between Sierra Pacific Power Company and Washoe County for 3.61 acre feet of surface water rights be approved and Chairman Galloway be authorized to execute; and
3. The Utility Services Division Manager be directed to record the Water Rights Deed and Water Sale Agreement with the County Recorder.

**99-408 WATER RIGHTS DEED AND WATER SALE AGREEMENT - SUN VALLEY WATER AND SANITATION DISTRICT - STONE CREST PHASE 6**

Upon recommendation of John Collins, Manager, Utility Services Division, through Ed Schmidt, Director, Department of Water Resources, on motion by Commissioner Sferrazza, seconded by Commissioner Shaw, which motion duly carried, it was ordered that the following actions be taken regarding Stone Crest Phase 6:

1. The Water Rights Deed between Sun Valley Water and Sanitation District, as Grantor, and Washoe County, as Grantee, for 5.73 acre feet of surface water rights from a portion of Permit 61222, formerly a portion of Claim 524, and 4.46 acre feet of surface water rights from a portion of 63814, formerly a portion of Claim 330, be approved and Chairman Galloway be authorized to execute;
2. The Water Sale Agreement between Sun Valley Water and Sanitation District and Washoe County be approved and Chairman Galloway be authorized to execute; and
3. The Utility Services Division Manager be directed to record the Water Rights Deed and Water Sale Agreement with the County Recorder.

**99-409 EMERGENCY REPAIRS - JAIL HOUSING UNIT #10 - DOMESTIC WATER HEATER REPLACEMENT - BUILDINGS & GROUNDS**

Upon recommendation of John Balentine, Purchasing and Contracts Administrator, on motion by Commissioner Sferrazza, seconded by Commissioner Shaw, which motion duly carried, Chairman Galloway ordered that the emergency action taken by the Purchasing Department, as authorized by the County Manager, to award a contract to J & J Mechanical Inc., to make emergency repairs necessary to remove and replace a failing domestic water heater in Washoe County Jail Housing Unit #10, in the amount of \$30,950.00, be acknowledged and approved.

**99-410 AWARD OF BID - SHORT TERM RENTAL OF CONSTRUCTION EQUIPMENT - BID NO. 2148-99 - EQUIPMENT SERVICES DEPARTMENT**

This was the time to consider award of bid, Notice to Bidders for receipt of sealed bids having been published in the Reno Gazette-Journal on March 29, 1999, for short term rental of construction equipment for the Equipment Services, Roads, Utility, and Parks Departments. Proof was made that due and legal Notice had been given.

Bids, copies of which were placed on file with the Clerk, were received from the following vendors:

- Cashman Rental
- Hertz Equipment Rental Corp.
- NationsRent, dba, River City Rental
- Western Power and Equipment

Empire Equipment Co., Holland Equipment Co., Komatsu Equipment Co., and Municipal Maintenance Equipment submitted "no-bid" responses; and America Rents, Pioneer Equipment Co., Reno Rents, and United Rental failed to respond to the invitation to bid.

Upon recommendation of John Balentine, Purchasing and Contracts Administrator, on motion by Commissioner Sferrazza, seconded by Commissioner Shaw, which motion duly carried, Chairman Galloway ordered that Bid No. 2148-99 for short term rental of construction equipment for the Equipment Services, Roads, Utility, and Parks Departments be awarded on as as-needed basis to the lowest responsive and responsible bidders as follows:

**Established Participants--Bid Item #1--Rental of Heavy Construction Equipment:**

- Cashman Rental
- Hertz Equipment Rental Corp.
- NationsRent, dba, River City Rental

**Established Participants--Bid Item #2--Rental of Misc. Construction Equipment:**

- Cashman Rental
- Hertz Equipment Rental Corp.
- Western Power and Equipment

It was noted that the established participants have submitted price lists for their rental inventory and have agreed to implement the short term rental program for Washoe County; and that discounts, prices and exceptions as stated in the Invitation to Bid

shall be honored and renewed to until April 30, 2000, with an option to renew for an additional one year period through April 30, 2001, provided pricing does not increase through the option year specified.

**99-411 AWARD OF BID - AUTOMATED FILING SYSTEM - BID NO. 2151-99 - SHERIFF**

This was the time to consider award of bid, Notice to Bidders for receipt of sealed bids having been published in the Reno Gazette-Journal on March 30, 1999, for an automated filing system for the Sheriff's Office. Proof was made that due and legal Notice had been given.

A single bid was received from Machabee Office Environments, a copy of which was placed on file with the Clerk.

Advanced Office Interiors, Hogue and Office Pavilion submitted "no-bid" responses; and A. Carlisle & Company, Corporate Express and White Systems failed to respond to the invitation to bid.

Pursuant to questions at Caucus, Katy Simon, County Manager, advised that it is typical for expenditures of this type over \$25,000 to be budgeted in the Public Works Department.

Upon recommendation of John Balentine, Purchasing and Contracts Administrator, on motion by Commissioner Sferrazza, seconded by Commissioner Shaw, which motion duly carried, Chairman Galloway ordered that Bid No. 2151-99 for an automated filing system for the Sheriff's Office be awarded to Machabee Office Environments in the amount of \$33,650.00.

**99-412 AWARD OF CONSTRUCTION CONTRACT - 1998/99 SLURRY SEAL OF SELECTED STREETS IN THE TRUCKEE MEADOWS AREA - PWP-WA-1999-670 - PUBLIC WORKS**

This was the time to consider award of bid, Notice to Contractors for receipt of sealed proposals having been published in the Reno Gazette-Journal on April 15 and 22, 1999, for the 1998/99 slurry seal of selected streets in the Truckee Meadows area, Washoe County, Nevada, PWP-WA-1999-670. Proof was made that due and legal Notice had been given.

The following is a summary of the bids received:

Granite Construction \$746,690.00  
Valley Slurry Seal \$927,164.50

Upon recommendation of Greg Belancio, Engineering Division, through Dave Roundtree, Public Works Director, on motion by Commissioner Sferrazza, seconded by Commissioner Shaw, which motion duly carried, it was ordered that the bid for the 1998/99 slurry seal of selected streets in the Truckee Meadows area, Washoe County, Nevada, PWP-WA-1999-670, be awarded to the low bidder, Granite Construction Company, for the Base Bid and Alternates Nos. 1 and 2, in the amount of \$746,690.00 and Chairman Galloway be authorized to execute the documents upon presentation.

**99-413 RESOLUTION - AUGMENT ADMINISTRATIVE ASSESSMENT FUND (007) - RENO JUSTICE COURT & FINANCE**

Upon recommendation of Brian Mirch, Senior Administrative Analyst, on motion by Commissioner Sferrazza, seconded by Commissioner Shaw, which motion duly carried, it was ordered that the following resolution be adopted and Chairman Galloway be authorized to execute:

**RESOLUTION - AUGMENTING THE ADMINISTRATIVE ASSESSMENT FUND (007)**

WHEREAS, the Administrative Assessment Fund was established to account for all revenues and expenditures that result in court ordered assessments; and

WHEREAS, the Administrative Assessment Fund has collected over \$400,000 dollars in actual revenues versus budgeted revenues as of April 27, 1999; and

WHEREAS, the Reno Justice Court needs additional appropriation authority to complete its court automation project.

Section 1. The budget of the Administrative Assessment Fund be augmented as follows:

Increased Resource

Increase Revenues:

Admin Assessment Fees AB102	007-07715-4346	\$300,000
Admin Assessment Fees AB102	007-07720-4346	\$100,000

Increased Appropriations

Increase Appropriations:

Computer Software	007-07715-7236	\$300,000
Computer Supplies	007-0720-7222	\$100,000

Section 2. This resolution shall be effective on passage and approval.

Section 3. The County Clerk is hereby directed to distribute copies of the Resolution to the Department of Taxation within 30 days.

**99-414 AGREEMENT - AGRA EARTH AND ENVIRONMENTAL, INC. - TESTING & INSPECTION SERVICES FOR 1998/99 SLURRY SEAL PROJECT - PUBLIC WORKS DEPARTMENT**

Upon recommendation of Greg Belancio, Engineering Division, through Dave Roundtree, Public Works Director, on motion by Commissioner Sferrazza, seconded by Commissioner Shaw, which motion duly carried, it was ordered that an agreement between Washoe County and AGRA Earth and Environmental, Inc., concerning testing and inspection services for the 1998/99 slurry seal of selected streets in the Truckee Meadows Area, Washoe County, Nevada, (PWP-WA-1999-670) project be approved and Chairman Galloway be authorized to execute on behalf of Washoe County.

**99-415 AGREEMENT - INSTEP TECHNOLOGIES - AUTOMATION PROJECT - RENO JUSTICE COURT**

Dona Jeppson, Court Administrator, Reno Justice Court, provided background information and an overview of the automation project for the court and stated that there will be no impact on County general funds as the money will come from the court administrative assessment fees.

Matt Beckstedt, MIS Director, explained the technological benefits of this system and stated that their next step will be to use parts of this in the District Attorney's office; that it is already being used in the Juvenile System; that they do plan to use it throughout the criminal justice system; and that the savings in annual maintenance costs on all the different contracts will approximate \$100,000 to \$120,000. He further stated that Washoe County will own the system and the additional money is needed for additional features.

Brian Mirch, Senior Administrative Analyst, stated that they will now be able to get statistics out of the courts that could not be done in the past, which is very important for decision making; and that statutorily the funds proposed for this project can only be used by the courts to either build or improve on technology.

Upon recommendation of Mr. Mirch, on motion by Commissioner Bond, seconded by Commissioner Shaw, which motion duly carried, it was ordered that the Amendment to Agreement to Purchase between Washoe County and Instep Technologies concerning completion of the Reno Justice Court Automation Project utilizing Court Administrative Assessment Funds (see Item 99-413) be approved and Chairman Galloway be authorized to execute on behalf of Washoe County.

**99-416 INTERSTATE AGREEMENT - PLUMAS COUNTY, CALIFORNIA - CROSS DESIGNATION OF LAW ENFORCEMENT OFFICERS - SHERIFF**

Upon recommendation of Sheriff Richard Kirkland, on motion by Commissioner Sferrazza, seconded by Commissioner Shaw, which motion duly carried, it was ordered that an Interstate Agreement between Washoe County and Plumas County, California, concerning the provision of mutual aid (furnishing law enforcement personnel, resources, and facilities) as may be necessary for the good of the citizens of both counties which requires the combined efforts of both parties, be approved and Chairman Galloway be authorized to execute on behalf of Washoe County.

**99-417 AGREEMENT - U.S. FOREST SERVICE - PATROL ASSISTANCE IN TOIYABE NATIONAL FOREST - SHERIFF**

Upon recommendation of Sheriff Richard Kirkland, on motion by Commissioner Sferrazza, seconded by Commissioner Shaw, which motion duly carried, it was ordered that Attachment 1 to Operating and Financial Plan between Washoe County Sheriff's Department and the U.S. Forest Service concerning assistance in the patrol of the Toiyabe National Forest within Washoe County be approved and Chairman Galloway be authorized to execute on behalf of Washoe County.

**99-418 LEASE AGREEMENT - CITY OF RENO - NEIL ROAD COMMUNITY OUTREACH OFFICE - JUVENILE SERVICES**

Upon recommendation of Jean Ely, Interim Director, General Services Department, on motion by Commissioner Sferrazza, seconded by Commissioner Shaw, which motion duly carried, it was ordered that a lease agreement between Washoe County, lessee, and the City of Reno, lessor, concerning lease of space for the Juvenile Services' Community Outreach Office at 3905 Neil Road, Reno, be approved and Chairman Galloway be authorized to execute on behalf of Washoe County.

It was further ordered that a transfer of \$4,600.00 of budgeted funds from within Juvenile Services (1295-7362) to General Services (1611-7340) be authorized to cover lease costs of \$339.84 per month through June 30, 2000.

**99-419 INTERLOCAL AGREEMENT - STATE OF NEVADA WELFARE DIVISION - MASTER'S SYSTEM - DISTRICT COURT**

Upon recommendation of Cathy Krolak, Court Administrator, on motion by Commissioner Sferrazza, seconded by Commissioner Shaw, which motion duly carried, it was ordered that an Interlocal Contract for Master's System between Washoe County (Second Judicial District Court) and the State of Nevada Department of Human Resources (Welfare Division), for a 5-year period from July 1, 1999 through June 30, 2004, concerning court hearings enforcing support obligations owed by non-custodial parents to their children, the location of non-custodial parents, establishing paternity, obtaining child support and adjusting support orders, under Title IV, Part D., Section 651 of the Social Security Act, be approved and Chairman Galloway be authorized to execute on behalf of Washoe County.

**99-420 AGREEMENT - BIGHORN BMX, INC. - SUN VALLEY BICYCLE MOTOCROSS TRACK - PARKS DEPARTMENT**

Pursuant to questions at Caucus, Katy Simon, County Manager, advised that the Parks Department summer recreation leaders will be trained by the Bighorn BMX staff in the track operation; that open times for use of the track will then be scheduled by Parks; that the BMX races are on Saturdays; and that they have been working to make sure the children of Sun Valley have access to this track.

Karen Mullen, Parks and Recreation Director, responded to further questions stating that she is working with Risk Management concerning the liability issues; that the goal at this time is to open it up two weekdays and one weekend day; that the children will have to provide their own safety equipment, but the BMX staff has agreed to help with that; and that this year will really be a "test" year for this activity.

Upon recommendation of Gregg Finkler, Parks Operations Superintendent, through Karen Mullen, Parks and Recreation Director, on motion by Commissioner Bond, seconded by Commissioner Short, which motion duly carried, it was ordered that an agreement between Washoe County and Bighorn BMX, Inc., concerning the use of the bicycle motocross (BMX) track located within Sun Valley Community Park be approved and Chairman Galloway be authorized to execute on behalf of Washoe County.

**99-421 AGREEMENT - T.M.S. ASSOCIATES - TMS PROPERTY TRAIL - PARKS DEPARTMENT**

Upon recommendation of Karen Mullen, Parks and Recreation Director, on motion by Commissioner Sferrazza, seconded by Commissioner

Shaw, which motion duly carried, it was ordered that an Easement and Agreement between Washoe County and T.M.S. Associates, a Nevada limited partnership, ("TMS") concerning the TMS Property Trail, which links to Callahan Park and in the future will link to the Browns Creek Trail System, be approved and Chairman Galloway be authorized to execute on behalf of Washoe County.

**99-422 ACCEPTANCE OF GRANT AWARD - APPROVAL OF GRANT FUNDED POSITION - DISTRICT COURT - DRUG COURT**

In response to requests at Caucus, Katy Simon, County Manager, advised that staff is preparing a long-term analysis of grant funded positions which will be provided to the Board at a later date. Chairman Galloway stated that any position that is grant funded should be so noted in the job title, or somewhere, so that there can be no misconceptions. Ms. Simon stated that anyone employed in a grant funded position is made aware that the position may be terminated when grant funds are no longer available.

Upon recommendation of Cathy Krolak, District Court Administrator, on motion by Commissioner Bond, seconded by Commissioner Short, which motion duly carried, it was ordered that a grant award from the U.S. Department of Justice, Office of Justice Programs, in the amount of \$144,010, under Title V of the Violent Crime Control and Law Enforcement Act of 1994 to be used to enhance the existing Adult and Family Drug Court programs, be accepted, Chairman Galloway be authorized to execute, and staff be directed to provide periodic updates on the programs and results.

It was further ordered that a grant funded position be established and authorized within the District Court, classified as an Integrated Case Services Manager with a salary range of \$17.71 - \$23.91 per hour (\$36,836.80 - \$49,732.80), and that the following account transactions be approved:

INCREASE		INCREASE	
ACCOUNT	AMOUNT	ACCOUNT	AMOUNT
001-121054G-4301	\$144,010	001-121054G-7001	\$ 71,953
		-121054G-7042	3,761
		-121054G-7048	13,491
		-121054G-7050	1,045
		-121054G-72051	20,000
		-121054G-7205	5,000
		-121054G-7237	3,000
		-121054G-7250	10,760
		-121054G-7828	15,000
TOTAL	\$144,010	TOTAL	\$144,010

**99-423 REFUND OF TAXES - JAMES J. AND JANET MCKERNAN**

Pursuant to District Attorney Opinion No. 6372 motion by Commissioner Shaw, seconded by Commissioner Bond, which motion duly carried, it was ordered that the following resolution be adopted and Chairman Galloway be authorized to execute on behalf of Washoe County:

**RESOLUTION -- Directing the County Treasurer to Refund Taxes**

WHEREAS, the Board of Commissioners of Washoe County, pursuant to NRS 354.240 has the authority to direct the County Treasurer to refund to an applicant the amount of money paid into the County Treasury in excess of the amount legally

payable; and

WHEREAS, James J. and Janet McKernan (Taxpayers) made application for the refund of 1996-1997, 1997-1998 and 1998-1999 real property taxes because, based upon assessment errors, the Assessor's Office misappraised the Taxpayers' property, APN 038-082-10; and

WHEREAS, James J. and Janet McKernan have overpaid taxes for fiscal years 1996-1997, 1997-1998 and 1998-1999 in the amount of \$2,190.98; and

WHEREAS, it is the opinion of the Board of Commissioners of Washoe County that the applicants for a refund have just cause for making such application and that the granting of such refund would be equitable.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of Washoe County as follows:

1. The Treasurer of Washoe County be and hereby is authorized and directed to refund to James J. and Janet McKernan a total of \$2,190.98, that amount being the taxes overpaid by James J. and Janet McKernan for the tax years 1996-1997, 1997-1998 and 1998-1999 on APN 038-082-10.
2. The Treasurer of Washoe County is further directed to debit the account of each governmental entity which has shared in the excess of the taxes collected in error for its pro rata share of the refund.

#### **99-424 REAPPOINTMENT - WASHOE COUNTY AIRPORT AUTHORITY**

Katy Simon, County Manager, noted that it has been past Board practice to reappoint incumbents on other boards and/or committees to second terms if they want to be reappointed; and that, in this instance, Geno Menchetti has indicated he is desirous of being reappointed to the Washoe County Airport Authority Board of Trustees. She also advised that Sam Dehne has submitted an application to be appointed and that the Board has the option of opening it up to other applicants as well.

Chairman Galloway expressed his feeling that the Board should either follow past practice or open it up to everyone because he does not believe it would be fair to only consider a non-solicited application.

Maureen Griswold, Deputy District Attorney, stated that the agenda topic is consideration of the possible reappointment of Mr. Menchetti; that anyone wishing to speak should be allowed to speak on the topic or on the procedure; and that it would not be appropriate to interview Mr. Dehne for the position at this time. She further stated that interviewing Mr. Dehne, along with any other applicants, would be something the Board would do at another time if they decide to solicit applications.

Commissioner Short stated that he had a chance to talk with Mr. Menchetti and is satisfied that he is aware of the noise problems and will do everything in his power to mitigate the problems.

Commissioner Shaw noted that sometimes it is very difficult to find people who are willing to serve on the various boards and past practice has been that if someone volunteers for a second term, they have been given that opportunity.

Sam Dehne stated that Nevada Revised Statutes say that these things should be put out to bid; that the Board did not do that; and that "rubber-stamping" another person is wrong. He further stated that he is the best person in this town for this job; that the current Airport Board has no aviation experience; that they constantly violate the open meeting law; and that they have no regard for the health, safety, welfare, and comfort of the community. He emphasized that people on the Airport Authority should have aviation experience and should live where they are affected by the airport; that the Commission will be derelict in its duties if it does not put this out for applications; and he demanded that this be opened up for bids so that citizens can apply.

Mr. Menchetti responded to questions of Chairman Galloway concerning the noise issue and what can be done to lessen the impacts. Mr. Menchetti stated that airport noise is always going to be a problem, but it is a tradeoff for the convenience of having the

airport nearby. He further stated that he disagrees with the comment that the board members need to have aviation experience because the airport has a professional staff with that experience; and that he thinks the board needs members with sensitivity to the public and business experience.

Commissioner Sferrazza questioned Mr. Menchetti concerning his stance on the condemnations of the homes in Rewana Farms and development at the Stead airport with the provision that a race track will not be built.

Frank Partlow, area resident, stated that he has been watching and believes Mr. Menchetti has done a real good job on the Airport Authority; and that he is recommending he be reappointed.

Commissioner Sferrazza expressed his dissatisfaction with the past practice of reappointing individuals who wish to serve second terms. A discussion ensued concerning the appointment/reappointment process and it was decided that the matter should be discussed at the Board's next retreat.

Legal Counsel Griswold stated that there is no requirement in the law that the Board must open up a process for board/committee appointments.

Following further discussion, on motion by Commissioner Shaw, seconded by Commissioner Short, which motion duly carried with Commissioner Sferrazza abstaining, Chairman Galloway ordered that Geno Menchetti be reappointed to the Washoe County Airport Authority with a term expiring July 1, 2003. It was noted that Commissioner Sferrazza's abstention was based on his opposition to the practice of reappointing without soliciting applicants and not because he was opposed to Mr. Menchetti's appointment.

99-425 RESOLUTIONS - SPECIAL ASSESSMENT DISTRICT NO. 26 (MATTERHORN DRIVE) - PREPARATION OF PRELIMINARY ASSESSMENT ROLL & CALLING A PUBLIC HEARING ON SAME

On motion by Commissioner Bond, seconded by Commissioner Shaw, which motion duly carried, it was ordered that the following resolution be adopted and Chairman Galloway be authorized to execute:

**RESOLUTION** NO. 99-425 A RESOLUTION CONCERNING WASHOE COUNTY, NEVADA, SPECIAL ASSESSMENT DISTRICT NO. 26 (MATTERHORN DRIVE); DETERMINING THE COST TO BE ASSESSED, AND AUTHORIZING, ORDERING AND DIRECTING THE COUNTY ENGINEER TO PREPARE THE PRELIMINARY ASSESSMENT ROLL; RATIFYING THE ACTION PREVIOUSLY TAKEN; PROVIDING FOR RELATED MATTERS; AND PROVIDING THE EFFECTIVE DATE HEREOF.

WHEREAS, the Board of County Commissioners (herein "Board") of the County of Washoe (herein "County") in the State of Nevada, pursuant to an ordinance adopted July 14, 1998 (herein "Washoe County, Nevada, Special Assessment District No. 26 (Matterhorn Drive) Ordinance"), created Washoe County, Nevada, Special Assessment District No. 26 (Matterhorn Drive) (herein "District"), and ordered the acquisition of a street project for the District (the "Project"); and

WHEREAS, the Board has authorized the proper officers of the County to execute a construction contract on behalf of said County in accordance with the Project, all as provided by law; and

WHEREAS, the Board has determined heretofore that the cost and expense of the Project is to be paid by special assessments levied against the benefited lots, tracts and parcels of land in said District; and

WHEREAS, the Board has determined and does hereby declare that the net cost to the County of all the improvements in the District (including all necessary incidentals which either have been or will be incurred in connection with said District) is \$755,000, which amount is to be assessed upon the benefited tracts and parcels of land in the District.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF WASHOE IN THE STATE OF NEVADA:

Section 1. All action, proceedings, matters and things heretofore taken, had and done by the County and the officers thereof (not inconsistent with the provisions of this resolution) concerning the District, be, and the same hereby is,

ratified, approved and confirmed.

Section 2. The total cost of the District to the County (including all necessary incidentals, which either have been or will be incurred in connection with said District) is hereby determined to be \$755,000 of which \$755,000 shall be paid by the assessable property in the District, as designated in the Ordinance.

Section 3. The County Engineer be, and he is hereby authorized, ordered and directed to make out and prepare an assessment roll for the District concerning, among other things:

(a) The name and address of each last-known owner of each lot, tract or parcel of land to be assessed, or if not known, that the name is "unknown".

(b) A description of each lot, tract or parcel of land to be assessed, and the amount of the proposed assessment thereon, apportioned upon the basis for assessments heretofore determined by said Board in Special Assessment District No. 26 (Matterhorn Drive) Ordinance and as stated in the provisional order for the hearing on the Project.

Section 4. Immediately upon the adoption of this resolution the County Clerk shall cause a copy of this resolution to be furnished to the County Engineer. When the County Engineer has made out and prepared the assessment roll, pursuant to Section 3 of this resolution, he shall report the assessment roll to the Board and shall cause the same to be filed in the office of the County Clerk and numbered. The County Engineer shall submit an executed certificate in the form provided, which certificate, duly executed, shall accompany the assessment roll.

Section 5. The officers and employees of the County be, and they hereby are, authorized and directed to take all action necessary or appropriate to effectuate the provisions of this resolution, including, without limiting the generality of the foregoing, the preparation of all further necessary legal proceedings, assessments rolls and lists, tabulations of parcels, and other items necessary or desirable for the completion of the District.

Section 6. All resolutions, or parts thereof, in conflict with the provisions of this resolution, are hereby repealed to the extent only of such inconsistency. This repealer shall not be construed to revive any resolution, or part thereof, heretofore repealed.

Section 7. If any section, paragraph, clause or other provision of this resolution shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or other provision shall not affect any of the remaining provisions of this resolution.

Section 8. The Board of County Commissioners has determined, and does hereby declare, that this resolution shall be in effect after its passage in accordance with law.

**RESOLUTION** NO. 425A A RESOLUTION CONCERNING WASHOE COUNTY, NEVADA, SPECIAL ASSESSMENT DISTRICT NO. 26 (MATTERHORN DRIVE); CAUSING THE ASSESSMENT ROLL FOR THE DISTRICT MADE BY THE BOARD OF COUNTY COMMISSIONERS OF SAID COUNTY TOGETHER WITH THE COUNTY ENGINEER TO BE FILED IN THE OFFICE OF THE WASHOE COUNTY CLERK; FIXING THE TIME AND PLACE WHEN COMPLAINTS, PROTESTS, AND OBJECTIONS TO THE ASSESSMENT ROLL WILL BE HEARD; PROVIDING FOR THE MANNER OF GIVING NOTICE OF THE FILING OF THE ASSESSMENT ROLL WITH THE COUNTY CLERK, OF OPPORTUNITY TO FILE WRITTEN COMPLAINTS, PROTESTS, AND OBJECTIONS, AND OF A HEARING CONCERNING THE ASSESSMENT ROLL; PRESCRIBING OTHER DETAILS IN CONNECTION THEREWITH; RATIFYING ALL ACTION TAKEN CONSISTENT WITH THE PROVISIONS HEREOF; AND PROVIDING THE EFFECTIVE DATE HEREOF.

WHEREAS, the Board of County Commissioners (herein "Board") of the County of Washoe (herein "County"), and State of Nevada, pursuant to an ordinance adopted July 14, 1998, (herein "District Ordinance"), created Washoe County, Nevada Special Assessment District No. 26 (Matterhorn Drive) (herein "District") and ordered the acquisition of a street project for the District (herein the "Project"); and

WHEREAS, the Board has authorized the proper officers of the County to execute the appropriate documents for a construction contract on behalf of said County for the Project, all as provided by law; and

WHEREAS, such construction contract has been executed; and

WHEREAS, the Board has heretofore determined that the cost and expense of the Project is to be paid by special assessments levied against the benefited lots, tracts and parcels of land in said District; and

WHEREAS, NRS 271.360 provides that the Board may determine the cost of the Project to be assessed after making the construction contract, or after determining the net cost to the County, but not necessarily after the completion of the Project; and

WHEREAS, in accordance with NRS 271.360, the Board has determined the net cost to the County of all of the improvements in said District (including all necessary incidentals which either have been or will be incurred in connection with said District), which is to be assessed upon the benefited lots, tracts and parcels of land in the District; and

WHEREAS, the Board by a resolution duly adopted May 11, 1999, directed the County Engineer to make out a preliminary assessment roll; and

WHEREAS, the Board of County Commissioners together with the County Engineer made out an assessment roll for said District which contains, among other things, the names and addresses of the last-known owners of the property to be assessed, or if not known, stating that the name is "unknown"; a description of each lot, tract, or parcel of land to be assessed; and the amount of the proposed assessment to be levied thereon; and said County Engineer has reported said assessment roll to the Board and filed the same with the County Clerk; and

WHEREAS, said Board has determined, and does hereby determine, that all of the assessable property in said County which is specially benefited by the improvements to be acquired in said District No. 26 (Matterhorn Drive), and only the property which is so specially benefited, is included on said assessment roll; and

WHEREAS, the Board has determined, and does hereby determine, that the notice for a hearing on said assessment roll which is provided for herein is reasonably calculated to inform each interested person of the proceedings concerning the District which may directly and adversely affect his or her legally protected rights and interests.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF WASHOE, IN THE STATE OF NEVADA:

Section 1. All action, proceedings, matters and things heretofore taken, had, and done by the County and the officers and employees thereof (not inconsistent with the provisions of this resolution) concerning the District, be, and the same hereby is, ratified, approved, and confirmed.

Section 2. The total cost of said District to the County (including all necessary incidentals which either have been or will be incurred in connection with said District) has been and hereby is determined to be \$755,000, of which \$755,000 shall be paid by the assessable property in the District, as described and as provided in the District Ordinance.

Section 3. The preliminary assessment roll for the District has been examined by said Board of County Commissioners, is tentatively approved, and is ordered filed in the office of the County Clerk this May 11, 1999.

Section 4. Tuesday, June 8, 1999 at 5:00 p.m., at the Commissioners Chambers, Washoe County Administration Complex, 1001 East Ninth Street, Reno, Nevada, be, and the same hereby is, fixed as the date, time, and place when said Board will hear and consider complaints, protests, and objections to the assessment roll, to the amount of each of the assessments, and to the regularity of the proceedings in making such assessments (whether made verbally or in writing) by the owners of the assessable property specially benefited by the improvements in "Washoe County, Nevada, Special Assessment

District No. 26 (Matterhorn Drive)", and proposed to be assessed, or by any party or person interested, and by all parties or persons aggrieved by such assessments.

Section 5. The County Clerk shall give notice by publication in the Reno Gazette-Journal, a newspaper of general circulation in the County, and published at least once a week, for three consecutive publications, by three weekly insertions, the first such publication to be at least 15 days prior to the date of the protest hearing. It shall not be necessary that the notice be published on the same day of the week, but not less than 14 days shall intervene between the first publication in each newspaper and the last publication in the same newspaper. Such service by publication shall be benefited by the affidavit of the publishers and filed with the County Clerk of said County. In accordance with NRS 271.380(2), the County Clerk or Deputy County Clerk shall also give notice by registered or certified mail by depositing a copy of such notice in the United States mails, postage prepaid, as first-class mail, at least 20 days prior to such hearing, to the last-known owner or owners of each tract being assessed at his or their last-known address or addresses. Proof of such mailing shall be made by the affidavit of the County Clerk or Deputy County Clerk and such proof shall be filed with the County Clerk, provided however, that failure to mail any such notice or notices shall not invalidate any assessment or any other proceedings concerning said District. Proof of the publication and proof of the mailing shall be maintained in the permanent records of the office of the County Clerk until all special assessments and special assessment bonds issued (if such special assessment bonds are hereafter issued) appertaining thereto, shall have been paid in full, both principal and interest, or any claim is barred by an appropriate statute of limitations. The Board of County Commissioners hereby determines that the manner of giving notice herein provided by publication and by registered or certified mail is reasonably calculated to inform the parties of the proceedings concerning the District and the levy of assessments which may directly and adversely affect their legally protected interests. Such notice shall be as provided in NRS 271.380 and shall be in substantially the form provided.

Section 6. The owner or owners of any lot, tract or parcel of land which is assessed in such assessment roll, whether named or not in such roll, or any person interested, or any parties aggrieved, may, within three days prior to the date set for the hearing, file with the office of the County Clerk his or her complaints, protests, or objections in writing to said assessment.

Section 7. Whenever any notice is mailed as herein provided, the fact that the person to whom it was addressed does not receive it shall not in any manner invalidate or affect the legality of the notice thereby given.

Section 8. The officers of the County be, and they hereby are, authorized and directed to take all action necessary or appropriate to effectuate the provisions of this resolution.

Section 9. All resolutions, or parts thereof, in conflict herewith, are hereby repealed to the extent only of such inconsistency. This repealer shall not be construed to revive any resolution or part of any resolution heretofore repealed.

Section 10. If any section, paragraph, clause, or provision of this resolution shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause, or provisions shall in no way affect any remaining provisions of this resolution.

Section 11. The Board has determined, and does hereby declare, that this resolution shall be in effect immediately after its passage in accordance with law.

**99-426 RESOLUTIONS - SPECIAL ASSESSMENT DISTRICT NO. 27 (OSAGE ROAD/PLACERVILLE ROAD) - PREPARATION OF PRELIMINARY ASSESSMENT ROLL & CALLING A PUBLIC HEARING ON SAME**

On motion by Commissioner Short, seconded by Commissioner Bond, which motion duly carried, it was ordered that the following resolution be adopted and Chairman Galloway be authorized to execute:

RESOLUTION NO. 99-426 A RESOLUTION CONCERNING WASHOE COUNTY, NEVADA, SPECIAL ASSESSMENT DISTRICT NO. 27 (OSAGE ROAD/PLACERVILLE/ROAD); DETERMINING THE COST TO BE ASSESSED, AND AUTHORIZING, ORDERING AND DIRECTING THE COUNTY ENGINEER TO PREPARE THE PRELIMINARY ASSESSMENT ROLL; RATIFYING THE ACTION PREVIOUSLY TAKEN; PROVIDING FOR RELATED MATTERS; AND PROVIDING THE EFFECTIVE DATE HEREOF.

WHEREAS, the Board of County Commissioners (herein "Board") of the County of Washoe (herein "County") in the State of Nevada, pursuant to an ordinance adopted July 14, 1998 (herein "Washoe County, Nevada, Special Assessment District No. 27 (Osage Road/Placerville Road) Ordinance"), created Washoe County, Nevada, Special Assessment District No. 27 (Osage Road/Placerville Road) (herein "District"), and ordered the acquisition of a street project for the District (the "Project"); and

WHEREAS, the Board has authorized the proper officers of the County to execute a construction contract on behalf of said County in accordance with the Project, all as provided by law; and

WHEREAS, the Board has determined heretofore that the cost and expense of the Project is to be paid by special assessments levied against the benefited lots, tracts and parcels of land in said District; and

WHEREAS, the Board has determined and does hereby declare that the net cost to the County of all the improvements in the District (including all necessary incidentals which either have been or will be incurred in connection with said District) is \$227,000.08 (\$133,026.48 in Unit 1 and \$93,973.60 in Unit 2), which amount is to be assessed upon the benefited tracts and parcels of land in the District.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF WASHOE IN THE STATE OF NEVADA:

Section 1. All action, proceedings, matters and things heretofore taken, had and done by the County and the officers thereof (not inconsistent with the provisions of this resolution) concerning the District, be, and the same hereby is, ratified, approved and confirmed.

Section 2. The total cost of the District to the County (including all necessary incidentals, which either have been or will be incurred in connection with said District) is hereby determined to be \$227,000.08, of which \$227,000.08 shall be paid by the assessable property in the District, as designated in the Ordinance. Of such amount, \$133,026.48 is hereby determined to be the cost of the improvements in Unit 1, and such amount will be assessed against the assessable property in Unit 1, and \$93,973.60 is determined to be the cost of the improvements in Unit 2 and shall be assessed against the assessable property in Unit 2.

Section 3. The County Engineer be, and he is hereby authorized, ordered and directed to make out and prepare an assessment roll for the District concerning, among other things:

- (a) The name and address of each last-known owner of each lot, tract or parcel of land to be assessed, or if not known, that the name is "unknown".
- (b) A description of each lot, tract or parcel of land to be assessed, and the amount of the proposed assessment thereon, apportioned upon the basis for assessments heretofore determined by said Board in Special Assessment District No. 27 (Osage Road/Placerville Road) Ordinance and as stated in the provisional order for the hearing on the Project.

Section 4. Immediately upon the adoption of this resolution the County Clerk shall cause a copy of this resolution to be furnished to the County Engineer. When the County Engineer has made out and prepared the assessment roll, pursuant to Section 3 of this resolution, he shall report the assessment roll to the Board and shall cause the same to be filed in the office of the County Clerk and numbered. The County Engineer shall submit an executed certificate in the form provided, which certificate, duly executed, shall accompany the assessment roll.

Section 5. The officers and employees of the County be, and they hereby are, authorized and directed to take all action necessary or appropriate to effectuate the provisions of this resolution, including, without limiting the generality of the foregoing, the preparation of all further necessary legal proceedings, assessments rolls and lists, tabulations of parcels, and other items necessary or desirable for the completion of the District.

Section 6. All resolutions, or parts thereof, in conflict with the provisions of this resolution, are hereby repealed to the extent only of such inconsistency. This repealer shall not be construed to revive any resolution, or part thereof, heretofore repealed.

Section 7. If any section, paragraph, clause or other provisions of this resolution shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or other provision shall not affect any of the remaining provisions of this resolution.

Section 8. The Board of County Commissioners has determined, and does hereby declare, that this resolution shall be in effect after its passage in accordance with law.

RESOLUTION NO. 426A A RESOLUTION CONCERNING WASHOE COUNTY, NEVADA, SPECIAL ASSESSMENT DISTRICT NO. 27 (OSAGE ROAD/PLACERVILLE ROAD); CAUSING THE ASSESSMENT ROLL FOR THE DISTRICT MADE BY THE BOARD OF COUNTY COMMISSIONERS OF SAID COUNTY TOGETHER WITH THE COUNTY ENGINEER TO BE FILED IN THE OFFICE OF THE WASHOE COUNTY CLERK; FIXING THE TIME AND PLACE WHEN COMPLAINTS, PROTESTS, AND OBJECTIONS TO THE ASSESSMENT ROLL WILL BE HEARD; PROVIDING FOR THE MANNER OF GIVING NOTICE OF THE FILING OF THE ASSESSMENT ROLL WITH THE COUNTY CLERK, OF OPPORTUNITY TO FILE WRITTEN COMPLAINTS, PROTESTS, AND OBJECTIONS, AND OF A HEARING CONCERNING THE ASSESSMENT ROLL; PRESCRIBING OTHER DETAILS IN CONNECTION THEREWITH; RATIFYING ALL ACTION TAKEN CONSISTENT WITH THE PROVISIONS HEREOF; AND PROVIDING THE EFFECTIVE DATE HEREOF.

WHEREAS, the Board of County Commissioners (herein "Board") of the County of Washoe (herein "County"), and State of Nevada, pursuant to an ordinance adopted July 14, 1998, (herein "District Ordinance"), created Washoe County, Nevada Special Assessment District No. 27 (Osage Road/Placerville Road) (herein "District") and ordered the acquisition of a street project for the District (herein the "Project"); and

WHEREAS, the Board has authorized the proper officers of the County to execute the appropriate documents for a construction of the Project, all as provided by law; and

WHEREAS, such construction documents have been executed; and

WHEREAS, the Board has heretofore determined that the cost and expense of the Project is to be paid by special assessments levied against the benefited lots, tracts and parcels of land in said District; and

WHEREAS, NRS 271.360 provides that the Board may determine the cost of the Project to be assessed after making the construction contract, or after determining the net cost to the County, but not necessarily after the completion of the Project; and

WHEREAS, in accordance with NRS 271.360, the Board has determined the net cost to the County of all of the improvements in said District (including all necessary incidentals which either have been or will be incurred in connection with said District), which is to be assessed upon the benefited lots, tracts and parcels of land in the District; and

WHEREAS, the Board by a resolution duly adopted May 11, 1999, directed the County Engineer to make out a preliminary assessment roll; and

WHEREAS, the Board of County Commissioners together with the County Engineer made out an assessment roll for said District which contains, among other things, the names and addresses of the last-known owners of the property to be assessed, or if not known, stating that the name is "unknown"; a description of each lot, tract, or parcel of land to be assessed; and the amount of the proposed assessment to be levied thereon; and said County Engineer has reported said assessment roll to the Board and filed the same with the County Clerk; and

WHEREAS, said Board has determined, and does hereby determine, that all of the assessable property in said County which is specially benefited by the improvements to be acquired in said District No. 27 (Osage Road/Placerville Road), and only the property which is so specially benefited, is included on said assessment roll; and

WHEREAS, the Board has determined, and does hereby determine, that the notice for a hearing on said assessment roll which is provided for herein is reasonably calculated to inform each interested person of the proceedings concerning the District which may directly and adversely affect his or her legally protected rights and interests.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF WASHOE, IN THE STATE OF NEVADA:

Section 1. All action, proceedings, matters and things heretofore taken, had, and done by the County and the officers and employees thereof (not inconsistent with the provisions of this resolution) concerning the District, be, and the same hereby is, ratified, approved, and confirmed.

Section 2. The total cost of said District to the County (including all necessary incidentals which either have been or will be incurred in connection with said District) has been and hereby is determined to be \$227,000.08, of which \$227,000.08 shall be paid by the assessable property in the District, as described and as provided in the District Ordinance. Of such amount, \$133,026.48 is hereby determined to be the cost of the improvements in Unit 1, and such amount will be assessed against the assessable property in Unit 1, and \$93,973.60 is determined to be the cost of the improvements in Unit 2 and shall be assessed against the assessable property in Unit 2.

Section 3. The preliminary assessment roll for the District has been examined by said Board of County Commissioners, is tentatively approved, and is ordered filed in the office of the County Clerk this May 11, 1999.

Section 4. Tuesday, June 8, 1999 at 5:00 p.m., at the Commissioners Chambers, Washoe County Administration Complex, 1001 East Ninth Street, Reno, Nevada, be, and the same hereby is, fixed as the date, time, and place when said Board will hear and consider complaints, protests, and objections to the assessment roll, to the amount of each of the assessments, and to the regularity of the proceedings in making such assessments (whether made verbally or in writing) by the owners of the assessable property specially benefited by the improvements in "Washoe County, Nevada, Special Assessment District No. 27 (Osage Road/Placerville Road)", and proposed to be assessed, or by any party or person interested, and by all parties or persons aggrieved by such assessments.

Section 5. The County Clerk shall give notice by publication in the Reno Gazette-Journal, a newspaper of general circulation in the County, and published at least once a week, for three consecutive publications, by three weekly insertions, the first such publication to be at least 15 days prior to the date of the protest hearing. It shall not be necessary that the notice be published on the same day of the week, but not less than 14 days shall intervene between the first publication in each newspaper and the last publication in the same newspaper. Such service by publication shall be benefited by the affidavit of the publishers and filed with the County Clerk of said County. In accordance with NRS 271.380(2), the County Clerk or Deputy County Clerk shall also give notice by registered or certified mail by depositing a copy of such notice in the United States mails, postage prepaid, as first-class mail, at least 20 days prior to such hearing, to the last-known owner or owners of each tract being assessed at his or their last-known address or addresses. Proof of such mailing shall be made by the affidavit of the County Clerk or Deputy County Clerk and such proof shall be filed with the County Clerk, provided however, that failure to mail any such notice or notices shall not invalidate any assessment or any other proceedings concerning said District. Proof of the publication and proof of the mailing shall be maintained in the permanent records of the office of the County Clerk until all special assessments and special assessment bonds issued (if such special assessment bonds are hereafter issued) appertaining thereto, shall have been paid in full, both principal and interest, or any claim is barred by an appropriate statute of limitations. The Board of County Commissioners hereby determines that the manner of giving notice herein provided by publication and by registered or certified mail is reasonably calculated to inform the parties of the proceedings concerning the District and the levy of assessments which may directly and adversely affect their legally protected interests. Such notice shall be as provided in NRS 271.380 and shall be in substantially the form provided.

Section 6. The owner or owners of any lot, tract or parcel of land which is assessed in such assessment roll, whether named or not

in such roll, or any person aggrieved, or any parties aggrieved, may, within three days prior to the date set for the hearing, file with the office of the County Clerk his or her complaints, protests, or objections in writing to said assessment.

Section 7. Whenever any notice is mailed as herein provided, the fact that the person to whom it was addressed does not receive it shall not in any manner invalidate or affect the legality of the notice thereby given.

Section 8. The officers of the County be, and they hereby are, authorized and directed to take all action necessary or appropriate to effectuate the provisions of this resolution.

Section 9. All resolutions, or parts thereof, in conflict herewith are hereby repealed to the extent only of such inconsistency. This repealer shall not be construed to revive any resolution or part of any resolution heretofore repealed.

Section 10. If any section, paragraph, clause, or provision of this resolution shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause, or provisions shall in no way affect any remaining provisions of this resolution.

Section 11. The Board has determined, and does hereby declare, that this resolution shall be in effect immediately after its passage in accordance with law.

**99-427 ESTABLISH NEW EMPLOYEE CLASSIFICATION - CHIEF TOXICOLOGIST, SHERIFF'S OFFICE - PERSONNEL**

Katy Simon, County Manager, and Charlene Vinella, Personnel Department, responded to questions of Board members concerning the proposed classification and salary range.

Upon recommendation of Joanne Ray, Human Resources Director, on motion by Commissioner Bond, seconded by Commissioner Shaw, which motion duly carried, Chairman Galloway ordered that the proposed new class specification, Chief Toxicologist (class code 2228) with a salary of Y335 (\$59,259.20 - \$80,017.60), be approved.

**99-428 APPOINTMENT - DIRECTOR OF GENERAL SERVICES**

Upon recommendation of Katy Simon, County Manager, on motion by Commissioner Bond, seconded by Commissioner Short, which motion duly carried, it was ordered that the Board appoint Richard A. Medved as Director of General Services at an annual salary of \$90,001.60 effective May 17, 1999. It was further ordered that Mr. Medved be reimbursed for reasonable and necessary relocation expenses.

**99-429 HEALTH BENEFITS PROGRAM - FISCAL YEAR 1999/2000 - RISK MANAGEMENT**

Upon recommendation of Ray Sibley, Risk Manager, who was present and responded to Board member's questions, on motion by Commissioner Bond, seconded by Commissioner Short, which motion duly carried, Chairman Galloway ordered that:

1. The changes to the Washoe County Health Benefits Program as recommended by the Insurance Negotiating Committee be approved;
2. The changes to the Health Benefits Program as required by Federal law be approved; and
3. The Risk Manager be authorized to execute insurance contracts and other service contracts necessary to continue the program as outlined in Exhibit A of the agenda memorandum placed on file with the Clerk.

The Board requested a report and additional information on the different employee groups' payment for dependent coverage and a clarification of how plan changes in the middle of the year will affect the calendar year stop loss and maximum benefits limits.

**99-430 BILL NO. 1241 - AMENDING WCC CHAPTER 110 (DEVELOPMENT CODE) - CREATION OF PARCELS THAT DO NOT CONFORM TO SIZE REQUIREMENTS**

Don Young, Department of Community Development, answered questions of Board members stating that none of the Citizen Advisory Boards expressed any interest in knowing more about the proposed ordinance; that any proposed use would still have to go through

the complete planning process and obtain a special use permit; and that if a use ceases, there is a reversionary clause.

Commissioner Sferrazza stated that he feels this is really opening the door for water tanks, pump stations, etc.; and that he thinks it should be limited to public safety needs only. Commissioner Bond stated that she also has a concern about allowing utilities to create smaller parcels. Mr. Young reiterated that land use designations and the special use permit process would still apply. The Board requested that information be presented at the second reading as to whether there would ever be any exceptions to the special use permit requirement as well as the typical lot size for water tanks, etc., and impact mitigation measures that are usually required to protect neighbors.

Bill No. 1241, entitled, "AN ORDINANCE AMENDING CHAPTER 110 OF THE WASHOE COUNTY CODE TO REMOVE A REFERENCE TO WCC CHAPTER 105 FROM THE DEVELOPMENT CODE (WCC 110.104.30) AND TO ALLOW THE CREATION OF PARCELS THAT DO NOT CONFORM TO THE SIZE REQUIREMENTS OF THE ZONING, WHEN THE PARCEL WILL BE USED BY PUBLIC AGENCIES OR UTILITIES REGULATED BY THE PUBLIC UTILITIES COMMISSION (WCC 110.404.10)" was introduced by Commissioner Bond, the title read to the Board and legal notice for final action of adoption directed.

#### **99-431 DISCUSSION - WILDCREEK AND NORTHGATE GOLF COURSES - RSCVA REQUEST FOR BIDS - PARKS**

Karen Mullen, Parks and Recreation Director, advised that the Reno-Sparks Convention and Visitor's Authority (RSCVA) is pursuing the possibility of selling Wildcreek and/or Northgate Golf Courses and is providing an opportunity for public agencies to submit proposals. She stated that proposals are due June 1st and there are many issues the Board should consider in determining whether they wish to negotiate for acquisition of one or both of the golf courses. She reviewed a detailed report outlining the background and history of the golf courses, market analysis and appraisal information, financial status of the courses, and the issues concerning compensation to Washoe County for the water rights that Washoe County supplied for the courses as well as whether Washoe County is entitled to any compensation for the Wildcreek land. A copy of the report was placed on file with the Clerk.

Commissioner Bond asked questions concerning the appraisal and how the land values were determined, as well as the market analysis, and noted that it appears the area is approaching an excess supply of golf courses. Ms. Mullen responded, added that the rates at public sector courses are lower, and stated her opinion that the community is probably right on the edge of the balance between supply and demand with the number of golf courses in the area.

Commissioner Shaw asked if the \$300,000 payment commitment for the treated effluent would create a financial burden for the County to operate Wildcreek. Ms. Mullen stated there is no question that Wildcreek makes money, but because of that \$300,000 annual payment, it would be very difficult to lower the fees at Wildcreek; that the other real problem with that is determining a value or a purchase price; that depreciation is not being budgeted; and that there will be major renovations needed in the near future as this is a 20-year old facility.

Commissioner Sferrazza stated that Washoe County should be reimbursed for the water rights as those are a public asset belonging to the citizens of Washoe County. He also discussed financing scenarios and stated that, based on current revenues at these courses, it would appear that Washoe County would have to raise rates to pay off bonds. Ms. Mullen agreed and stated that Northgate is very marginal but Wildcreek does have possibilities.

Vahid Behmaram, Department of Water Resources, presented a report detailing the water rights connected with the two golf courses, with backup documentation that included previous County Commission minute items, agreements, correspondence, etc. He stated that there are three transfers from Washoe County to RSCVA totaling approximately 219 acre feet annually, which he estimated would be worth approximately \$1,000,000, for which he can find no evidence or documentation of a formal purchase or compensation to Washoe County. Chairman Galloway asked if those water rights were included in the appraisal. Ms. Mullen stated that she believes they were included as if the water would be available.

Chairman Galloway asked why the deed is in Washoe County's name if RSCVA paid for the land. Legal Counsel Maureen Griswold explained that by law a Fair and Recreation Board cannot sell, purchase, or acquire any property without approval of the County and the County has always held the titles to all of the real property on behalf of RSCVA.

In response to the Chairman, Mr. Behmaram stated that all of the water rights are now being used at Northgate because Wildcreek is using the treated effluent.

Chairman Galloway stated that it appears to him that Northgate is not at all viable when you take \$1-million worth of water rights out of the appraisal. Ms. Mullen stated much more analysis is needed on that.

Chairman Galloway stated that he thinks the County should take a position that they would like to see Wildcreek continue to be available to the public without the fees going way up. He further stated that he believes the County should be compensated for the water rights and should put the RSCVA on notice to that effect; that if it's at all economically feasible, he would like to see both facilities remain as golf courses; that he feels it would be feasible for Wildcreek; and that he would be willing to direct staff to look into the viability of making an offer on Wildcreek based on the assumption that RSCVA did pay for all the land and the County is only holding the title as "trustee". He further stated that he would like to hear more from RSCVA as he questions the going concern appraisal because when you deduct depreciation expense, you don't have enough net income to pay off a very large debt.

Phil Keene, President, Reno-Sparks Convention and Visitor's Authority, and Ron Wrest, Vice President of RSCVA Golf Operations, approached the speaker's podium. Mr. Keene stated that it wasn't an easy decision, but the RSCVA Board of Directors feels that if the courses can be maintained as golf courses, it would be appropriate to sell them so that those resources could be better focused in other areas to attract more tourism to the area. He then responded to issues raised stating that they believe Northgate has tremendous potential; that the Northgate income statement, upon which the appraisal was based, has a \$350,000 per year debt payment on \$3.3-million in bonds; that approximately 80 acres of BLM land at Wildcreek was appraised very low because that is the very steep hillside east of the golf course; that overcoming the reverter clause on the Northgate property is going to be difficult; that the treated effluent is a fully transferable right to any purchaser of Wildcreek; that in another drought situation, Wildcreek may be the only green golf course within miles; and that other than the \$300,000 payment for that effluent, there is no debt encumbrance at Wildcreek. He also explained how this \$300,000 will go down as other effluent users come on line and the costs are shared.

Commissioner Sferrazza asked Mr. Keene whether RSCVA has taken a position on the \$1-million worth of County water rights and whether the County would get credit for those. Mr. Keene stated that the RSCVA has not taken a position on that and suggested that perhaps they would have to negotiate some kind of settlement on how much was used; that the water was basically used during the drought and occasionally for fill-in; and that those rights are not used on a regular basis. Commissioner Sferrazza asked if those water rights could be returned to the County. Mr. Keene stated that they could.

Commissioner Bond asked for further clarification. Mr. Wrest stated that some of the rights are being used; that some of them had to be transferred to the Truckee River agreement for the effluent water; that some still remain at Northgate; and that he could work with County staff to figure it all out. He stated there is still 81 acre feet of groundwater at Northgate.

Chairman Galloway stated that if the County submitted a proposal it would have to be under the constraint that rates would not be increased, which would lower any amount that could be offered. He further stated that he thinks the County has the obligation to keep the fees affordable, therefore he could not approve a transfer to anyone else who wouldn't do that. The Chairman stated that it would be his opinion that the public would be best served by the RSCVA continuing to operate the golf courses.

Sam Dehne, a Reno citizen, stated that a real conflict of interest exists because two of the County Commissioners also sit on the RSCVA board; that he agrees with the statement that the golf courses are owned by the people and the golfers have already paid for the courses; and that this amounts to a public body trying to sell public property back to the same public and making the taxpayers pay for something they already own.

Ms. Simon summarized the issues and stated that staff would need direction from the Board on the water rights issues, land ownership issues, whether the County should pursue either one or both courses, etc.

Commissioners Bond and Short both indicated that they would like a lot more information and perhaps a legal opinion on the water rights and land ownership issues. Commissioner Sferrazza stated that if RSCVA is going to sell their golf courses, Washoe County

should be paid for the water rights or they should be returned to the taxpayers of Washoe County. He further responded to Mr. Dehne stating that he is one of the Commissioners who also sits on the RSCVA board; that that means he represents the citizens of Washoe County on the RSCVA also; and that if the County and City members abstain from voting, decisions would be made by casino representatives and non-public officials. Ms. Griswold confirmed there is an opinion supporting that there is no conflict in these situations.

Mr. Keene stated that a number of the prospective bidders have asked whether the County has an equity interest in the properties; that the titles of all the RSCVA projects that carried bonded indebtedness were transferred to the County as additional collateralization; and that the County has never been asked to pay for any of that debt service. Commissioner Sferrazza and Mr. Keene disagreed on the issue of who owns the land and facilities.

Chairman Galloway suggested a motion that would direct staff to research the water rights ownership, the lands ownership, possible enterprise fund buyout, and also request the RSCVA to extend its deadline. Commissioner Sferrazza stated that he would make that motion but that he would also like to request that if the County makes a purchase offer, it be with the understanding that the rates will not increase significantly outside the cost of living; and that the County will not pay for water rights the County already dedicated to the golf courses. The motion was seconded by Commissioner Bond.

Shirley Gieck, Sun Valley resident, stated that she is a retired school teacher who golfs five days a week at Wildcreek; and that the only reason she can do so is because of the annual pass she purchases for \$1,350. She also stated that she knows Reno and Sparks are both anxious to buy Wildcreek and asked the Board to please think about the public.

Commissioner Sferrazza stated that he would like his motion to reflect that those annual pass rates also be maintained. Commissioner Bond, as second, stated that was acceptable to her. Chairman Galloway called for the vote and the motion carried unanimously.

**99-432 AGREEMENTS - SOUTHWEST POINTE ASSOCIATES, L.L.C. - 99 ACRES OF OPEN SPACE IN THE ARROWCREEK DEVELOPMENT - PARKS AND RECREATION DEPARTMENT**

Upon recommendation of Karen Mullen, Parks and Recreation Director, on motion by Commissioner Sferrazza, seconded by Commissioner Bond, which motion duly carried, it was ordered that the "Restrictive Covenant," the "Grant, Bargain and Sale Deed" and the "Easement for Drainage and Utilities" concerning the first transfer of open space at the Arrowcreek development (99 acres) from Southwest Pointe Associates, be approved and Chairman Galloway be authorized to execute the documents.

**99-433 STATUS REPORT - REGIONAL DISPATCH CENTER/EOC & REGIONAL PUBLIC SAFETY TRAINING CENTER - FINANCE**

Upon recommendation of Gary Goelitz, Senior Administrative Analyst, who was present and responded to questions, on motion by Commissioner Sferrazza, seconded by Commissioner Bond, which motion duly carried, Chairman Galloway ordered that receipt of the update and status report on the Regional Dispatch Center/EOC and the Regional Public Safety Training Center be acknowledged.

Later in the meeting Rick Wroblewski, who is promoting the Dandini site, stated that the staff report is in error in stating 75 to 80 percent of their site has grade conditions up to and exceeding 30 percent; and that he would like the Board to only consider the merits of the presentation they will be making.

**99-434 ORDINANCE NO. 1064, BILL NO. 1240 - AMENDING WCC CHAPTER 110 (DEVELOPMENT CODE) - STREET DESIGN STANDARDS**

5:00 p.m. This was the time set in a Notice of Public Hearing published in the Reno Gazette-Journal on April 30, 1999, to consider second reading and adoption of Bill No. 1240. Proof was made that due and legal Notice had been given.

Mike Harper, Special Projects Manager, Community Development Department, was present to provide background information and respond to questions.

The Chairman opened the public hearing by calling on anyone wishing to speak for or against adoption of said Ordinance. There being no response, the hearing was closed.

Commissioner Sferrazza stated that he does not support adoption of this ordinance because he believes it will allow for a reduction in pavement requirements, which are already too low in his opinion.

On motion by Commissioner Bond, seconded by Commissioner Shaw, which motion duly carried with Commissioner Sferrazza voting "no," Chairman Galloway ordered that Ordinance No. 1064, Bill No. 1240, entitled, "AN ORDINANCE AMENDING THE WASHOE COUNTY CODE BY AMENDING PROVISIONS RELATING TO CHAPTER 110 (DEVELOPMENT CODE), ARTICLE 436, STREET DESIGN STANDARDS AND OTHER MATTERS PERTAINING THERETO," be approved, adopted and published in accordance with NRS 244.100.

**99-435 PUBLIC HEARING - DISTRICT NO. 24 GROUNDWATER REMEDIATION - PROPOSED BOUNDARY AMENDMENTS**

5:00 p.m. This was the time set in a Notice of Public Hearing, published in the Reno Gazette-Journal on April 26, 1999, to consider an amendment to the boundaries of District No. 24, Groundwater Remediation. Proof was made that due and legal Notice had been given.

Leonard Crowe, Water Resources Planning Manager, provided back-ground information stating that the boundaries of the groundwater remediation district are set by ordinance annually and must be amended annually as the boundaries continuously change because the water service areas, both wholesale and retail, are constantly changing.

Chairman Galloway opened the public hearing by calling on anyone wishing to speak concerning this matter. There being no response, the public hearing was closed.

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There being no further business to come before the Board, the meeting adjourned at 6:55 p.m.

JIM GALLOWAY, Chairman  
Washoe County Commission

ATTEST: AMY HARVEY, County Clerk